

REMARKS

Applicants first wish to thank the Examiner for her time and consideration involved in examining the application. As requested by the Examiner and in response to the Examiner's Restriction Requirement, Applicants affirm the election of the claims of Group II, claims 1-10 and 17-23, without traverse. Claims 11-16 are canceled without prejudice as reflected in the Amendments to the Claims section.

CLAIM REJECTIONS BASED ON § 112

In the official action, the Examiner rejected claims 2 and 3 under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claim 2 has been amended and claim 3 is dependent upon claim 2. As a result, Applicants believe the Examiner's rejections of claims 2 and 3 have been overcome.

CLAIM REJECTIONS BASED ON § 102 - NUMATA

In the official action, the Examiner rejected claims 1, 10, 17, 18, and 20-23 under 35 U.S.C. § 102 as being anticipated by U.S. Pat. Pub. No. 2002/0000067 to Numata et al. ("Numata").

A. The Rejection of Claim 1

Independent claim 1 has been amended to include limitations absent from Numata. As a result, Applicants believe the Examiner's rejections have been rendered moot.

B. The Rejection of Claim 17

MPEP § 2131 provides that “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the . . . claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

The Examiner rejected claim 17 alleging that Numata teaches a method of operating a fuel reformer comprising the steps of: entrapping soot generated by the fuel reformer in a soot trap/partition, and advancing air, at a predetermined time intervals, in the absence of fuel into the fuel reformer so as to combust soot present in the soot trap/partition. Contrary to the Examiner’s statement that Numata teaches advancing air in the absence of fuel into a fuel reformer, it does not. The Examiner’s rejection is unsupported by the art and should be withdrawn.

The Examiner cites paragraph 24, lines 1-11 of Numata to support her conclusion that Numata teaches advancing air in the absence of fuel into a fuel reformer. However, upon inspection of the entirety of paragraph 24, Numata recites the following:

Upon execution of the soot removing routine, first of all in step S100, the CPU 62 of the electronic control unit 60 outputs a drive signal to the blower 26 so as to increase the amount of air introduced into the gasifying/mixing portion 28 from the blower 26 by a selected or predetermined amount. . . . **If the amount of introduced air is increased, raw gas with an increased ratio of air is supplied to the honeycomb filter 32.**

(Para. 24, pp. 2-3.) Nowhere in Numata is it taught to supply air *in the absence of fuel* into a fuel reformer. While the Examiner’s cited portion of Numata discusses increasing an amount of

air that is ultimately delivered to a fuel reformer, the Examiner has neglected the conclusion of this portion of the description, which is that **any adjusted air amount is *combined with fuel* when advanced into the fuel reformer**. Numata actually teaches only **increasing/decreasing an amount of air to be *combined with fuel* being introduced into a fuel reformer**. Therefore, the Examiner's rejection of claim 17 is improper and should be withdrawn.

C. The Rejection of Claim 10

Claim 10 is dependent upon claim 1. As a result, the rejection of claim 10 should be withdrawn for at least the reasons discussed in regard to claim 1.

D. The Rejections of Claim 18 and 20-23

Claims 18 and 20-23 are dependent upon claim 17. As a result, the rejections of claims 18 and 20-23 should be withdrawn for at least the reasons discussed in regard to claim 17.

CLAIM REJECTIONS BASED ON § 103 - BAUER/SMALING

In the official action, the Examiner rejected claims 1-8 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. App. Pub. No. 2004/0050345 to Bauer and in further view of U.S. Pat. App. Pub. No. 2003/0200742 to Smaling.

The subject application (i.e., U.S. Serial No. 10/692,840), U.S. Pat. App. Pub. No. 2004/0050345 to Bauer, and U.S. Pat. App. Pub. No. 2003/0200742 to Smaling were, at the time the invention of the subject patent application was made, owned by ArvinMeritor, Inc. As such, U.S. Pat. App. Pub. No. 2004/0050345 to Bauer and U.S. Pat. App. Pub. No. 2003/0200742 to Smaling are disqualified from being used in a rejection under 35 U.S.C. § 103(a) against the claims of the subject patent application. Therefore, rejection of claims 1-8 should be withdrawn.

CLAIM REJECTIONS BASED ON § 103 - NUMATA/CHRISTEN

In the official action, the Examiner rejected claims 9 and 19 under 35 U.S.C. § 103(a) as being unpatentable over Numata, as applied to claims 1 and 17, and further in view of U.S. Pat. Pub. No. 2003/0039871 to Christen et al. Claim 9 is dependent upon claim 1 and claim 19 is dependent upon claim 17. As a result, the rejections of claims 9 and 19 should be withdrawn for at least the reasons discussed in regard to claims 1 and 17, respectively.

CONCLUSION

In view of the foregoing remarks, it is submitted that this application is in condition for allowance. Action to that end is hereby solicited.

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response and shortages in other fees be charged, or any overpayment in fees be credited, to the Account of Barnes & Thornburg LLP, Deposit Account No. 10-0435 with reference to file 9501-70665.

Respectfully submitted,

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